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PATENT
Docket No.: 15275/8611 (Dobbins 2-1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application No.: 08/833,620

Filed: April 7, 1997

U.S. Patent No.: 5,043,002

Granted: August 27, 1991

Patentees: Michael S. Dobbins
Robert E. McLayFor: METHOD OF MAKING FUSED SILICA
BY DECOMPOSING SILOXANESExaminer:
J. HoffmanArt Unit:
1731

OFFICIAL

PETITION TO RESET PERIOD OF REPLY
DUE TO LATE RECEIPT OF OFFICE ACTION,
PURSUANT TO MPEP § 710.06Commissioner for Patents
Washington, D.C. 20231FAX RECEIVED
JAN 30 2002
GROUP 1700

Dear Sir:

Pursuant to Manual of Patent Examining Procedure ("MPEP") § 710.06, applicants hereby petition to reset the previously set period for reply to the outstanding office action, mailed November 27, 2001 ("Office Action"), to begin running from applicants' date of receipt of the Office Action at the correspondence address (i.e., January 16, 2002).

Accompanying this petition is the Declaration of Janice L. Bowers ("Bowers Declaration") with attached Exhibits 1-3.

As indicated on its cover page, the Office Action has a mailing date of November 27, 2001. The Office Action was received at the correspondence address on January 16, 2002 (see Bowers Declaration ¶ 5 and Exhibits 1 and 2 thereto). Each page of the Office Action, including the Office Action summary, is brittle and discolored (i.e., yellowish), as compared to the office actions generally received from the U.S. Patent and Trademark Office ("USPTO"), indicating that the Office Action went through anthrax

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decontamination procedures conducted on behalf of the U.S. Postal Service (see Bowers Declaration ¶ 6 and Exhibit 3 thereto).

MPEP § 710.06 requires that: (1) this petition be timely filed within two weeks of the date of receipt of the Office Action at the correspondence address; (2) a substantial portion of the set reply period had elapsed on the date of receipt; and (3) this petition include (a) evidence showing the date of receipt of the Office Action at the correspondence address and (b) a statement setting forth the date of receipt and explaining how the evidence establishes the date of receipt. All of these requirements have been fully met.

Requirement 1 of MPEP § 710.06 has been met, because this petition was filed within two weeks of applicants' receipt of the Office Action.

Since the Office Action was received 50 days after the November 27, 2001, mailing date recorded on the Office Action, Requirement 2 of MPEP § 710.06 has been met. Well over one month of the three-month reply period had elapsed prior to applicants' receipt of the Office Action.

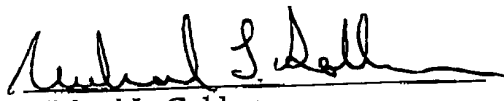
Requirement 3 of MPEP § 710.06 has been met by applicants' submission of the Bowers Declaration which provides more than ample evidence that applicants received the Office Action long after its November 27, 2001, mailing date.

In view of all the foregoing, applicants submit that this petition should be granted.

Although applicants believe that no fee is due upon consideration of this petition, the Commissioner is authorized to charge any necessary fees to our Deposit Account No. 14-1138.

Respectfully submitted,

Date: January 30, 2002


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